

6318

Key to list
CC

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-191393

DATE: May 11, 1978

MATTER OF: David L. Crockett - Transportation Expenses,
Reporting to First Duty Station U.S. - Short
Distance Involved

DIGEST:

New appointee to shortage category position may not be paid moving expenses for short distance relocation of residence since there was no reduced commuting time or distance between residence and first duty station, and no evidence of other circumstances showing relocation was incident to appointment.

This action responds to a request for an advance decision submitted by W. Smallets, Chief, Finance and Accounting, National Security Agency, concerning the claim of David L. Crockett in the amount of \$76.80 for movement of household goods. The matter was forwarded to our Office by the Per Diem, Travel and Transportation Allowance Committee PDTATAC Control No. 78-10.

Mr. Crockett was appointed to serve in a manpower shortage position by the National Security Agency on February 14, 1977. His first duty station was Fort Meade, Maryland. When appointed, he resided in Langley Park, Maryland, approximately 15 miles from Fort Meade. On June 23, 1977, he relocated his residence to New Carrollton, Maryland, and moved his household goods there, approximately 10 miles from his former Langley Park residence. The New Carrollton address was 17 to 20 miles from Fort Meade. His new residence, then, was no more than 2 miles closer to, and may have been 1 mile further from, his first duty station than his old residence.

The travel and transportation expenses of new appointees to manpower shortage positions are allowable under 5 U.S.C. 5723, 5724 and regulations issued thereunder -- the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973). The cited code provisions and regulations are also administratively implemented in Volume 2 of the (2 JTR), Joint Travel Regulations, which applies to most civilian personnel in the various departments and agencies of the Department of Defense. Both the FTR and JTR set forth the types of travel and transportation allowances to which new appointees to manpower shortage positions are entitled. For present purposes it is sufficient to point out that costs for transportation of household goods are one of the items allowable. Cf., FTR paragraph 2-1.5f(3)(d); and 2 JTR paragraph CB001-1 (Change 131, September 1, 1976). Since the JTRs are patterned after the FTRs, which are the primary regulatory

B-191393

authority, we will hereafter relate and apply pertinent portions of the FTR to the transportation of the household goods.

Paragraph 2-1.5b(2) of the FTR concerns new appointees in the United States, including those in shortage category positions, "whose place of actual residence at the time of selection for appointment and first duty station are located in the same general local or metropolitan area and who relocate their places of residence as a result of the appointment." It states that new appointees who are within this short distance between former residence and first duty station can be authorized travel and transportation expenses "only when the agency determines that the relocation of residence was incident to the appointment." In other words, there is no presumption that the relocation of residence was made because of the appointment. Rather, the agency considering the relevant facts and circumstances pertinent to the change of residence must make a special determination that the change was reasonably related to the new appointment. Finally, in making this determination, paragraph 2-1.5b(2), requires the agency to consider "to the extent applicable the principles prescribed for transferred employee * * *."

The regulation governing transferred employees most pertinent to short distance relocation of new appointees under paragraph 2-1.5b(2) of the FTR are in the immediately preceding paragraph 2-1.5b(1) and provide as follows:

"b. Short distance involved.

"(1) Transfers. When the change of official station involves a short distance within the same general local or metropolitan area, the travel and transportation expenses and applicable allowances in connection with the employee's relocation of his residence shall be authorized only when the agency determines that the relocation was incident to the change of official station. Such determination shall take into consideration such factors as commuting time and distance between the employee's residence at the time of notification of transfer and his old and new posts of duty as well as the commuting time and distance between a proposed new

B-191393

residence and the new post of duty. Ordinarily, a relocation of residence shall not be considered as incident to a change of official station unless the one-way commuting distance from the old residence to the new official station is at least 10 miles greater than from the old residence to the old official station. Even then, circumstances surrounding a particular case (e.g., relative commuting time) may suggest that the move of residence was not incident to the change of official station."

We have held that for transferred employees a short distance relocation of residence may in some circumstances be incident to a transfer between duty stations even though the relocation does not result in less commuting time and distance. Gary A. Ward, 54 Comp. Gen. 751 (1975); B-172705, May 28, 1971. However, the employing agency has broad discretion in applying the general criteria of FTR paragraph 2-1.5b(1) in determining whether or not a short distance relocation of residence is incident to a transfer. David E. Meisner, B-187162, February 9, 1977. Further, if the relocation does not substantially diminish commuting time and no other circumstances demonstrate that the relocation was incident to a transfer, the agencies necessarily deny payment of travel and transportation expenses. Meisner, supra; Stanley Jeffress Williams, B-184029, January 26, 1976.

The principles of the above-cited decisions apply to the present case and generally to short distance relocations of new appointees under paragraph 2-1.5b(2) of the FTR. In this connection, Mr. Crockett's commuting distance was not substantially decreased and may have been increased by the relocation of his residence. The present record does not state that the commuting time was reduced or set forth other facts showing that the relocation of residence was incident to Mr. Crockett's appointment.

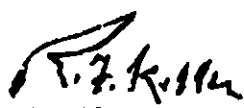
The regulation paragraph 2-5.b(1) gives the agency broad authority within which it must determine whether the employee's move from one residence to another is in fact incident to a change of official station. The request for an advance decision states that Mr. Crockett's

B-191393

former residence in Langley Park and his first duty station at Fort Meade are in the same area. We agree that both locations can be considered "in the same general local or metropolitan area," because of the short distance between them, approximately 19 miles, for the most part over arterial roads and expressways.

Accordingly, since the agency has not made a determination that the employee's move was incident to his appointment the voucher may not be paid.

Since paragraph 2-1.5f(3) of the FTR provides that transportation allowances payable to manpower shortage appointees for shipment of household goods to their first official duty stations are governed by FTR paragraph 2-8, there would be for consideration paragraph 2-8.3a(3). That paragraph requires that claims for shipment of household goods be accompanied by a showing of the weight of the household goods shipped.


Deputy Comptroller General
of the United States